IN THE HIGH COURT OF JUDICATE OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4163 /2004

PETITIONERS:-

1) Chanakya Lal Yadav
S/o- Late Puran Lal Yadav
Village - Sorar,
Block - Gurur
Distt- Durg (Chhattisgarh)

2) Ku. Dipti Chaturvedi
D/O- Mohan Chaturvedi
R/O- Villag- Kothiapar
Block- Gurur,
Distt- Durg (Chhattisgarh)

3) Ku. Chetana Sahu
D/O- Chova Ram
R/O- Village-Chirpari
Block - Gurur,
Distt- Durg (Chhattisgarh)

4) Lekhram Sonboir
S/O- Prem Singh
R/O- Village, Jagrara,
P.O.- Jamarua
Block- Balod,
Distt- Durg (Chhattisgarh

5) Roman lal Vishwakarma
S/O- Khemraj
R/O-Village, Parsada,
P.O.- Jamgaon
Block- Balod
Distt- Durg (C.G.)

6) Ujjain Kumar Sahu
S/O- Ram Prasad
R/O- Village- Hohtara
P.S.- Jamgaon
Block- Balod
Distt- Durg (Chhattisgarh)

7) Rajendra Sahu
S/O- Dashorath Lal
R/O- Villag e Sankara
P.O- Karaibhadar
Block- Balod
Distt- Durg (C.G.)

8) Sohan lal Gajendra
S/O- Chhannu lal
R/O- Village & post- Barhi
Block- Balod
Distt- Durg (Chhattisgarh)

9) Dhal Singh Sahu
S/O- Khallari
Block- Dondi
Distt- Durg (Chhattisgarh)

:- VERSUS :-

RESPONDENTS:-

1) State of Chhattisgarh
Through- Secretary
Department of Panchayat Evam
Gramin Vikas (Mantralaya)
D.K.S. Bhawan Raipur
(Chhattisgarh)

2) Secretary,
Department of School Education
(Mantralaya) D.K.S. Bhawan
Raipur (Chhattisgarh)

3) Chief Executive Officer
District- Panchayat Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WIRTS ORDER/ORDERS. DIRECTION/DIRECTIONS.

(63)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4163/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	7.2.2005 Shri Virendra Sharma, Counsel for the petitioners. Shri Sandeep Dubey, Panel Lawyer for the State. Heard on admission. The contention of learned Counsel for the petitioners is that the petitioners were given appointments as 'Shiksha Karmi' for the academic session 1996-97 and thereafter 1997-98 temporarily. Learned Counsel for the petitioners submits that after completion of the session 1997-98, fresh appointments were made under the provisions of Madhya Pradesh(Chhattisgarh) Panchayat Shiksha Karmi (Bharti Tatha Seva Ki Sharte) Niyam, 1997. Petitioners participated in the process of fresh appointments but they were not appointed. The petitioners are aggrieved by the non-selection in the said process. Petitioners have filed a copy of the rules as Annexure P-2. A bare perusal of the rules shows that there is also a provision of appeal vide Rule 12. Rule 12 provides that the appeal against the order passed under these Rules may be made as per provisions of the Adhiniyam. The word "Adhiniyam" has been defined in definition clause vide Rule 2(k) and it indicates that "Adhiniyam" means 'Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No.1 of 1994)'.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP/463 **सन्** 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

On the basis of these provisions, it can easily be inferred that a person dissatisfied with the order passed under the rules, is to file an appeal under the provisions of Act 1994. Under the Act 1994, the Rules (Appeal and Revision Rules) have been ~~filed.~~ framed. Therefore, the petitioners are having alternative remedy to file an appeal against their non-selection under the aforesaid rules.

While dictating this order, learned Counsel for the petitioners prays for withdrawal of this petition with a liberty to file an appeal before the appropriate authority.

The aforesaid prayer made by learned counsel for the petitioners is not opposed by the State counsel.

Accordingly, the prayer is allowed.

The petition is dismissed as withdrawn with a liberty in favour of the petitioners to file appeals under the rules before the appropriate authority.

With the aforesaid liberty, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

GR—FS/350—12/2000—50,000.